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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 2nd September, 1973/Bhadra 11, 1895 (Saka)

The following President's Act is published for general information:—tion:—

THE UTTAR PRADESH URBAN PLANNING AND DEVELOPMENT ACT, 1973

No. 11 OF 1973

Enacted by the President in the Twenty-four Year of the Republic of India.

An Act to provide for the development of certian areas of Uttar Pradesh according to plan and for matters ancillary thereto.

In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973, the President is pleased to enact as follows:— 33 of 1973

CHAPTER I

PRELIMINARY

Short title and extent.

1. (*1*) This Act may be called the Uttar Pradesh Urban Planning and Development Act, 1973.

(2) It extends to the whole of Uttar Pradesh, excluding Cantonment areas and lands owned, requisitioned or taken on lease by the Central Government for the purpose of defence.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "amenity" includes road, water supply, street lighting, drainage, sewerage, public works and such other convenience as the

State Government may, by notification in the Gazette specify to be an amenity for the purposes of this Act;

(*b*) "building" includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(*c*) "building operations" includes rebuilding operations, structural alterations of, or additions to, buildings and other operations normally undertaken in connection with the construction of buildings;

(*d*) "bye-law" means a bye-law made under this Act by the Development Authority;

(*e*) "development", with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in any building or land, and includes re-development;

(*f*) "development area" means any area declared to be a development area under section 3;

(*g*) "the Development Authority" or "the Authority", in relation to any development area, means the Development Authority constituted under section 4 for that area;

(*h*) "engineering operations" includes the formation or laying out means of access to a road or the laying out of means of water supply;

(*i*) "means of access" includes any means of access, whether private or public, for vehicles or for foot passengers, and includes a road;

(*j*) "regulation" means a regulation made under this Act by the Development Authority;

(*k*) "rule" means a rule made under this Act by the State Government;

(*l*) "to erect a building", with its grammatical variations, includes—

(*i*) any material alteration or enlargement of any building;

(*ii*) the conversion, by structural alteration—

(*a*) of a building not originally constructed for human habitation into a place for human habitation; or

(*b*) into more than one place for human habitation, of a building originally constructed as one such place; or

(*c*) of two or more places of human habitation, into a greater number of such places;

(*iii*) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security;

(*iv*) the addition of any rooms, buildings, houses or other structures to any building; and

(*v*) the construction, in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;

(*m*) "zone" means any one of the divisions in which a development area may be divided for the purposes of development under this Act

(*n*) the expression "land" has the meaning assigned to it in section 3 of the Land Acquisition Act, 1894.

CHAPTER II

THE DEVELOPMENT AUTHORITY AND ITS OBJECTS

Declaration of development areas.

3. If in the opinion of the State Government any area within the State requires to be developed according to plan it may, by notification in the Gazette, declare the area to be a development area.

the development Authority.

4. (*1*) The State Government may, by notification in the Gazette, constitute for the purposes of this Act, an Authority to be called the Development Authority for any development area.

(*2*) The Authority shall be a body corporate, by the name given to it in the said notification, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(*3*) The Authority in respect of a development area which includes the whole or any part of a city as defined in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, shall consist of the following members, namely:—

(*a*) a Chairman to be appointed by the State Government;

(*b*) a Vice-Chairman to be appointed by the State Government;

(*c*) the Secretary to the State Government, incharge of the Department of Housing, *ex officio;*

(*d*) the Secretary to the State Government, incharge of the Department of Finance, *ex officio;*

(*e*) the Chief Town and Country Planner, Uttar Pradesh, *ex officio;*

(*f*) the Chief Engineer, Local Self-Government Engineering Department, Uttar Pradesh, *ex officio;*

(*g*) the Mukhya Nagar Adhikari, *ex officio;*

(*h*) the District Magistrate of every district any part of which is included in the development area, *ex officio;*

(*i*) four members to be elected by Sabhasads of the Nagar Mahapalika for the said city from amongst themselves:

Provided that any such member shall cease to hold office as such as soon as he ceases to be Sabhasad of the Nagar Mahapalika;

(*j*) such other members not exceeding three as may be nominated by the State Government.

(*4*) The appointment of the Vice-Chairman shall be whole-time.

(*5*) The Vice-Chairman shall be entitled to receive from the funds of the Authority such salaries and allowances and be governed by such conditions of service as may be determined by general or special order of the State Government in this behalf.

(*6*) A member referred to in clause (c), clause (*d*), clause (*e*) or clause (*f*) of sub-section (*3*) may instead of attending a meeting of the Authority himself depute an officer, not below the rank of Deputy Secretary in his department in the case of a member referred to in clause (*c*) or clause (*d*), and not below the rank of Town Planner in the case of a member referred to in clause (*e*) and not below the rank of Superintending Engineer in the case of a member referred to in clause (*f*), to attend the meeting. The officer so deputed shall have the right to take part in the proceedings of the meeting and shall also have the right to vote.

(*7*) The Authority in respect of a development area other than that mentioned in sub-section (*3*) shall consist of a Chairman, a Vice-Chairman and not less than five and not more than eleven such other members, including at least one member each from the Municipal Boards and Notified Area Committees having jurisdiction in the development area, who shall hold office for such period and on such terms and conditions, as may be determined by general or special order of the State Government in this behalf:

Provided that the Vice-Chairman or a member other than an *ex officio* member of the Authority may, at any time by writing, under his hand addressed to the State Government resign his office and on such resignation being accepted shall be deemed to have vacated his office.

(*8*) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.

Staff of the Authority.

5. (*1*) The State Government may appoint two suitable persons respectively as the Secretary and the chief accounts officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or its Vice-Chairman.

(*2*) Subject to such control and restrictions as may be determined by general or special order of the State Government, the Authority may appoint such number of other officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(*3*) The secretary, the chief accounts officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and allowances and shall be governed by such other conditions of service as may be determined by regulations made in that behalf.

Advisory Council.

6. (1) The State Government may, if it thinks fit, constitute an advisory council for the purpose of advising the Authority on the preparation of the master plan and on such other matters relating to the planning of development or arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.

(2) The advisory council in respect of a development area referred to in sub-section (3) of section 4 shall consist of the following members, namely:—

(a) the Chairman of the Authority, *ex officio*, who shall be the President;

(b) the Chief Town and Country Planner, Uttar Pradesh, and the Chief Engineer, Local Self-Government Engineering Department, Uttar Pradesh, *ex officio*;

(c) the Director, Medical and Health Services, Uttar Pradesh, or his nominee who shall not be below the rank of a Deputy Director, *ex officio;*

(d) four representatives of the local authorities having jurisdiction within the limits of the development area, to be elected by their members from among themselves;

(e) the Transport Commissioner, Uttar Pradesh, or his nominee who shall not be below the rank of Deputy Transport Commissioner, *ex officio;*

(f) the Chairman, State Electricity Board, Uttar Pradesh or his nominee, *ex officio;*

(g) all the members of the House of the People and the State Legislative Assembly whose constituencies include any part of the development area;

(h) all members of the Council of States and the State Legislative Council who have their residence in the development area;

(i) three members to be nominated by the State Government, one of whom shall represent the interest of labour and one the interest of industry and commerce in the development area.

(3) For the purpose of clause (h) of sub-section (2), the place of residence of a member of the Council of States or the State Legislative Council shall be deemed to be that mentioned in the notification of his election or nomination, as the case may be, as such member.

(4) An elected member under clause (d) of sub-section (2) shall hold office for a term of three years from the date of his election to the council and shall be eligible for re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the local body from which he was elected.

(5) The Advisory council, if any, in respect of a development area other than that mentioned in sub-section (2) shall consist of such members as may be determined by the State Government by general or special order in that behalf.

(6) The Council shall meet as and when called by the Chairman:

Provided that such meeting shall be held at least twice a year.

Objects of the Authority.

7. The objects of the Authority shall be to promote and secure the development of the development area according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with the supply of water and electricity, to dispose of sewage and to provide and maintain other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto:

Provided that, save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Authority of any law for the time being in force.

CHAPTER III

MASTER PLAN AND ZONAL DEVELOPMENT PLANS

Civic survey of, and master plan for the development area.

8. (*1*) The Authority shall, as soon as may be, prepare a master plan for the development area.

(*2*) The master plan shall—

(*a*) define the various zones into which the development area may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out, and

(*b*) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

(*3*) The master plan may provide for any other matter which may be necessary for the proper development of the development area.

Zonal development plans.

9. (*1*) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which the development area may be divided.

(*2*) A zonal development plan may—

(*a*) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;

(*b*) specify the standards of population density and building density;

(c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and

(*d*) in particular, contain provisions regarding all or any of the following matters, namely:—

(*i*) the division of any site into plots for the erection of buildings;

(*ii*) the allotment or reservation of land for roads, open spaces, gardens, recreation-grounds, schools, markets and other public purposes;

(*iii*) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;

(*iv*) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;

(*v*) the alignment of buildings of any site:

(*vi*) the architectural features of the elevation or frontage of any building to be erected on any site;

(*vii*) the number of residential buildings which may be erected on plot or site;

(*viii*) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;

(*ix*) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;

(*x*) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

(*xi*) the restrictions regarding the use of any site for purposes other than erection of buildings;

(*xii*) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

Submission of plans to the State Government for approval.

10. (*1*) In this section and in sections 11, 12, 14 and 16 the word "plan" means the master plan as well as the zonal development plan for a zone.

(*2*) Every plan shall, as soon as may be after its preparation be submitted by the Authority to the State Government for approval and that Government may either approve the plan without modification or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

Procedure to be followed in the preparation and approval of plan.

11. (*1*) Before preparing any plan finally and submitting it to the State Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by regulations made in that behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunity to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the State Government for its approval.

(4) Subject to the foregoing provisions of this section, the State Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.

Date of commencement of plan.

12. Immediately after a plan has been approved by the State Government the Authority shall publish in such manner as the State Government may specify, a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours, and upon the date of the first publication of the aforesaid notice the plan shall come into operation.

CHAPTER IV

AMENDMENT OF THE MASTER PLAN AND THE ZONAL DEVELOPMENT PLAN

Amendment of plans.

13. (1) The Authority may make any amendments in the master plan or the zonal development plan as it thinks fit, being amendments which, in its opinion do not effect important alterations in the character of the plan and which do not relate to the extent of land-uses or the standards of population density.

(2) The State Government may make amendments in the master plan or the zonal development plan whether such amendments are of the nature specified in sub-section (1) or otherwise.

(3) Before making any amendments in the plan, the Authority, or as the case may be, the State Government shall publish a notice in at least one newspaper having circulation in the development area inviting objections and suggestions from any person with respect to the proposed amendments before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the State Government.

(4) Every amendment made under this section shall be published in such manner as the Authority or the State Government, as the case may be, may specify, and the amendments shall come into operation either on the date of the first publication or on such other date as the Authority or the State Government, as the case may be, may fix.

(5) When the Authority makes any amendments in the plan under sub-section (1) it shall report to the State Government the full particulars of such amendments within thirty days of the date on which such amendments come into operation.

(6) If any question arises whether the amendments proposed to be made by the Authority are amendments which effect important alterations in the character of the plan or whether they relate to the extent of land-uses or the standards of population density, it shall be referred to the State Government whose decision thereon shall be final.

(7) Any reference in any other Chapter, except Chapter III, to the master plan or the zonal development plan shall be construed as a reference to the master plan or the zonal development plan as amended under this section.

CHAPTER V

DEVELOPMENT OF LANDS

Development of land in the developed area.

14. (1) After the declaration of any area as development area under section 3, no development of land shall be undertaken or carried out or continued in that area by any person or body (including a department of Government) unless permission for such development has been obtained in writing from the Authority in accordance with the provisions of this Act.

(2) After the coming into operation of any of the plans in any development area no development shall be undertaken or carried out or continued in that area unless such development is also in accordance with such plans.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the following provisions shall apply in relation to development of land by any department of any State Government or the Central Government or any local authority—

(a) when any such department or local authority intends to carry out any development of land it shall inform the Authority in writing of its intention to do so, giving full particulars thereof, including any plans and documents, at least 30 days before undertaking such development;

(b) in the case of a department of any State Government or the Central Government, if the Authority has no objection it should inform such department of the same within three weeks from the date of receipt by it under clause (a) of the department's intention, and if the Authority does not make any objection within the said period the department shall be free to carry out the proposed development;

(c) where the Authority raises any objection to the proposed development on the ground that the development is not in conformity with any master plan or zonal development plan prepared or intended to be prepared by it, or on any other ground, such department or the local authority, as the case may be, shall—

(i) either make necessary modifications in the proposal for development to meet the objections raised by the Authority; or

(ii) submit the proposals for development together with the objections raised by the Authority to the State Government for decision under clause (d);

(d) the State Government, on receipt of proposals for development together with the objections of the Authority, may either approve the proposals with or without modifications or direct the department or the local authority, as the case may be, to make such modifications as proposed by the Government and the decision of the State Government shall be final;

(*e*) the development of any land begun by any such department or subject to the provisions of section 59 by any such local authority before the declaration referred to in sub-section (*1*) may be completed by that department or local authority without compliance with the requirement of sub-sections (*1*) and (*2*).

Application for permission.

15. (*1*) Every person or body (other than any department of Government or any local authority) desiring to obtain the permission referred to in section 14 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be prescribed by regulations.

(*2*) Every application under sub-section (*1*) shall be accompanied by such fee as may be prescribed by rules.

(*3*) On the receipt of an application for permission under sub-section (*1*), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (*d*) of sub-section (2) of section 9 or in relation to any other matter, shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused:

Provided further that the Authority may before passing any order on such application give an opportunity to the applicant to make any correction therein or to supply any further particulars or documents or to make good any deficiency in the requisite fee with a view to bringing it into conformity with the relevant rules or regulations.

(*4*) Where permission is refused, the grounds of such refusal shall be recorded in writing and communicated to the applicant.

(*5*) Any person aggrieved by an order under sub-section (*4*) may appeal to the Tribunal against that order within thirty days from the communication thereof and the Tribunal may after giving an opportunity of hearing to the appellant and, if necessary, also to the representative of the Authority, either dismiss the appeal or direct the Authority to grant the permission applied for with such modifications, or subject to such conditions, if any, as may be specified.

(*6*) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permission under this section.

(*7*) The said register shall contain such particulars, including information as to the manner in which applications for permission have been dealt with, as may be prescribed by regulations, and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as may be prescribed by regulations.

(*8*) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within three months of the communication of the grounds of the refusal under sub-section (*4*) direct refund of such portion of the fee as it may deem proper in the circumstances of the case.

Uses of land and buildings in contravention of plans.

16. After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use, upon such terms and conditions as may be prescribed by bye-laws made in that behalf, any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.

CHAPTER VI

ACQUISITION AND DISPOSAL OF LAND

Compulsory acquisition of land.

17. (*1*) If in the opinion of the State Government, any land is required for the purpose of development, or for any other purpose, under this Act the State Government may acquire such land under the provisions of the Land Acquisition Act, 1894:

Provided that any person from whom any land is so acquired may after the expiration of a period of five years from the date of such acquisition apply to the State Government for restoration of that land to him on the ground that the land has not been utilized within the period for the purpose for which it was acquired, and if the State Government is satisfied to that effect it shall order restoration of the land to him on repayment of the charges which were incurred in connection with the acquisition together with interest at the rate of twelve per cent. per annum and such development charges if any as may have been incurred after acquisition.

(*2*) Where any land has been acquired by the State Government, that Government may, after it has taken possession of the land transfer the land to the Authority or any local authority for the purpose for which the land has been acquired on payment by Authority or the local authority of the compensation awarded under that Act and of the charges incurred by the Government in connection with the acquisition.

Disposal of land by the Authority or the local authority concerned.

18. (*1*) Subject to any directions given by the State Government in this behalf, the Authority or, as the case may be, the local authority concerned may dispose of—

(*a*) any land acquired by the State Government and transferred to it, without undertaking or carrying out any development thereon; or

(*b*) any such land after undertaking or carrying out such development as it thinks fit,

to such persons, in such manner and subject to such terms and conditions as it considers expedient for securing the development of the development area according to plan.

(*2*) Nothing in this Act shall be construed as enabling the Authority or the local authority concerned to dispose of land by way of gift, mortgage or charge, but subject thereto, references in this Act, to the disposal of land shall be construed as references to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement, right or privilege or otherwise.

Nazul lands.

19. (*1*) The State Government may, by notification in the Gazette and upon such terms and conditions as may be agreed upon between that Government and the Authority, place at the disposal of the Authority all or any developed and undeveloped lands in the development area vested in the State (known and hereinafter referred to as "nazul lands") for the purpose of development in accordance with the provisions of this Act.

(*2*) After any nazul land has been placed at the disposal of the Authority under sub-section (*1*), no development of any such land shall be undertaken or carried out except by or under the control and supervision of the Authority.

(*3*) After any such nazul land has been developed by or under the control and supervision of the Authority it shall be dealt with by the Authority in accordance with directions given by the State Government in that behalf.

(*4*) If any nazul land placed at the disposal of the Authority under sub-section (*1*) is required at any time thereafter by the State Government, the Authority shall, by notification in the Gazette, replace it at the disposal of that Government upon such terms and conditions as may be agreed upon between that Government and the Authority.

CHAPTER VII

FINANCE, ACCOUNTS AND AUDIT

Fund of the Authority.

20. (*1*) The Authority shall have and maintain its own fund to which shall be credited—

(*a*) all moneys received by the Authority from the State Government by way of grants, loans, advances or otherwise;

(*b*) all moneys borrowed by the Authority from sources other than the State Government by way of loans or debentures;

(*c*) all fees and charges received by the Authority under this Act;

(*d*) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable; and

(*e*) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(*2*) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no other purposes.

(*3*) Subject to any directions of the State Government, the Authority may keep in current account of any Scheduled Bank such sum of money out of its fund as it may think necessary for meeting its expected current requirements and invest any surplus money in such manner as it thinks fit.

(*4*) The State Government may, after due appropriation made by Legislature by law in that behalf, make such grants, advances and loans to the Authority as that Government may deem necessary for the performance of the functions of the Authority under this Act, and all grants, loans and advances made shall be on such terms and conditions as the State Government may determine.

(5) The Authority may borrow money by way of loans or debentures from such sources (other than the State Government) and on such terms and conditions as may be approved by the State Government.

(6) The Authority shall maintain a sinking fund for the repayment of moneys borrowed under sub-section (5), and shall pay every year into the sinking fund such sum as may be sufficient for repayment within the period fixed of all moneys so borrowed.

(7) The sinking fund or any part thereof shall be applied in, or towards, the discharge of the loan for which such fund was created, and until such loan is wholly discharged it shall not be applied for any other purpose.

Budget of the Authority.

21. The Authority shall prepare in such form and at such time every year as the State Government may specify, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the Authority.

Accounts and audit.

22. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the State Government may specify.

(2) The accounts of the Authority shall be subject to audit annually by the Examiner Local Fund Accounts, and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Examiner Local Fund Accounts.

(3) The Examiner Local Fund Accounts and any person appointed by him in connection with the audit of accounts of the Authority shall have the same rights, privileges and authority in connection with such audit as the Examiner Local Fund Accounts has in connection with the audit of the accounts of a local authority and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(4) The accounts of the Authority as certified by the Examiner Local Fund Accounts or any other person appointed by him in that behalf, together with the audit report thereon, shall be forwarded annually to the State Government.

Annual report.

23. The Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government in such form and on or before such date as the State Government may specify and such report shall be laid before both Houses of the Legislature.

Pension and provident funds.

24. (1) The Authority may constitute for the benefit of its whole-time paid members and of its officers and other employees in such manner and subject to such conditions, as the State Government may specify, such pension or provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the State Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

CHAPTER VIII

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Power of entry.

25. The Vice-Chairman of the Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of—

(*a*) making any inquiry, inspection, measurement or survey or taking levels of such land or building;

(*b*) examining works under construction and ascertaining the course of sewers and drains;

(*c*) digging or boring into the sub-soil;

(*d*) setting out boundaries and intended lines of work;

(*e*) making such levels, boundaries and lines by placing marks and cutting trenches;

(*f*) ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in section 14 or in contravention of any condition subject to which such permission has been granted; or

(*g*) doing any other thing necessary for the efficient administration of this Act:

Provided that—

(*i*) no such entry shall be made except between the hours of sun-rise and sun-set and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or buildings;

(*ii*) sufficient opportunity shall in every instance be given to enable woman, if any, to withdraw from such land or building;

(*iii*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made to the social and religious usages of the occupants of the land or building entered.

Penalties.

26. (*1*) Any person who whether at his own instance or at the instance of any other person or any body (including a department of Government) undertakes or carries out development of any land in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 14 or in contravention of any condition subject to which such permission, approval or sanction has been granted, shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence, with further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

(2) Any person who uses any land or building in contravention of the provisions of section 16 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to five thousand rupees and

in the case of a continuing offence, with further fine which may extend to two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence.

(3) Any person who obstructs the entry of a person authorised under section 25 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Order of demolition of building.

27. (1) Where any development has been commenced or is being carried on or has been completed in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 14 or in contravention of any conditions subject to which such permission, approval or sanction has been granted, in relation to the development area, then, without prejudice to the provisions of section 26, any officer of the Authority empowered by its Vice-Chairman in that behalf, may make an order directing that such development shall be removed by demolition, filling or otherwise by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period not being less than fifteen days and more than forty days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to the owner or that person as may be specified in the order and on his failure to comply with the order, the officer of the Authority may remove or cause to be removed the development, and the expenses of such removal as certified by the said officer of the Authority shall be recoverable from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue and no suit shall lie in the civil court for recovery of such expenses:

Provided that no such order shall be made unless the owner or the person concerned has been given a reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal to the Tribunal against that order within thirty days from the date thereof and the Tribunal may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order.

(3) The Tribunal may stay the execution of an order against which an appeal has been filed before it under sub-section (2).

(4) The decision of the Tribunal on the appeal and, subject only to such decision, the order under sub-section (1), shall be final and shall not be questioned in any court.

(5) The provisions of this section shall be in addition to, and not in derogation of, any other provision relating to demolition of buildings contained in any other law for the time being in force.

Explanation.—In this section, the term "Tribunal" means the Tribunal appointed under section 37.

Power to stop development.

28. (*1*) Where any development in a development area has been commenced or continued in contravention of the master plan or zonal development plan or without the permission, approval or sanction referred to in section 14 or in contravention of any conditions subject to which such permission, approval or sanction has been granted then, without prejudice to the provisions of sections 26 and 27, the Vice-Chairman of the Authority or any officer of the Authority empowered by him in that behalf, may make an order requiring the development to be discontinued on and from the date of the service of the order, and such order shall be complied with accordingly.

(*2*) Where such development is not discontinued in pursuance of the order under sub-section (*1*), the Vice-Chairman or the said officer of the Authority may require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development within such time as may be specified in the requisition, and such police officer shall comply with the requisition accordingly.

(*3*) After the requisition under sub-section (*2*) has been complied with, the Vice-Chairman of the Authority may depute by a written order a police officer or an officer or employee of the Authority to watch the place in order to ensure that the development is not continued.

(*4*) Any person failing to comply with an order under sub-section (*1*) shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(*5*) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the removal of any development under section 27 or the discontinuance of the development under this section.

(*6*) The provisions of this section shall be in addition to and not in derogation of, any other provision relating to stoppage of building operations contained in any other law for the time being in force.

Conferment of other powers on the Authority.

29. After a master plan or zonal development plan has come into operation under section 12, the Development Authority or its Vice-Chairman shall have such other powers and functions exercisable by the local authority concerned or its Chief Executive Officer, as the case may be, under the enactment contituting that local authority, subject to such exceptions or modifications, as the State Government may by notification in the Gazette specify.

Offences by companies.

30. (*1*) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means a body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

Fines when realised to be paid to the Authority.

31. All fines realised in connection with prosecutions under this Act shall be paid to the Authority.

Composition of offences.

32. (1) Any offence made punishable by or under this Act may either before or after the institution of proceedings, be compounded by the Authority (or any officer authorised by it in that behalf by general or special order), on such terms, including any term as regards payment of a composition fee, as the Authority (or such officer) may think fit.

(2) Where an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Power of the Authority to provide amenity or carry out development at cost of owner in the event of his default and to levy cess in certain cases.

33. (1) If the Authority, after holding a local inquiry or upon report from any of its officers or other information in its possession, is satisfied that any amenity in relation to any land in a development area has not been provided in relation to that land which, in the opinion of the Authority, ought to have been or ought to be provided, or that any development of the land for which permission, approval or sanction had been obtained under this Act or under any law in force before the coming into force of this Act has not been carried out, it may, after affording the owner of the land or the person providing or responsible for providing the amenity a reasonable opportunity to show cause, by order require him to provide the amenity or carry out the development within such time as may be specified in the order.

(2) If any amenity is not provided or any such development is not carried out within the time specified in the order, then the Authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this sub-section, the Authority shall afford a reasonable opportunity to the owner of the land or to the person providing or responsible for providing the amenity to show cause as to why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the State Government may by order fix from the date when a demand for the expenses is made until payment may be recovered by the Authority from the owner or the person providing or responsible for providing the amenity as arrears of land revenue, and no suit shall lie in the civil court for recovery of such expenses.

(4) Notwithstanding anything contained in the foregoing sub-sections, where the Authority on the written representation by so many of the owners of any land in a development area as represent not less than one-half of the area, of that land, is satisfied that any amenity in relation to such land has not been provided which in the opinion of the Authority ought to have been or ought to be provided, or that any development of that land for which permission, approval or sanction had been obtained under this Act or under any law in force before the promulgation of this Act has not been carried out, it may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit, and recover the expenses by levy of cess from all the owners of the said land:

Provided that if the owners making the said representation contend that the amenity had been agreed to be provided or the development had been agreed to be carried out by a coloniser or co-operative housing society through or from whom the land was acquired by them, they shall file with the Authority a copy of such agreement, or of the deed of transfer or of the bye-laws of the society incorporating such agreement, and no action shall be taken by the Authority under this sub-section unless notice has been given to the coloniser or the society, as the case may be, to show cause why such action should not be taken:

Provided further that where the Authority is satisfied that the coloniser or the society has become defunct or is not traceable, no notice under the last preceding proviso need be issued.

(5) The cess referred to in sub-section (4) shall be equivalent to the expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development, together with interest at such rate as the State Government may by order fix, from the date of completion of the work until payment, and shall be assessed and levied on all the owners of the land in proportion to the respective areas of the portions of land owned by them.

(6) The said cess shall be payable in such number of instalments, and each instalment shall be payable at such time and in such manner, as the Authority may fix, and any arrear of cess shall be recoverable as arrears of land revenue, and no suit shall lie in the civil court for recovery thereof.

(7) The expenses incurred by the Authority or the agency employed by it under this section shall be certified by the Authority, and such certificate, as also the assessment of the cess, if any, under sub-section (5) shall be final.

(*8*) If under any agreement between the owners of the land and the colon'ser or the society referred to in sub-section (*4*) the responsibility for providing the amenity or carrying out the development rested with such coloniser or society, the cess payable under that sub-section by the owners shall be recoverable by them from the coloniser or the society, as the case may be.

Power of Authority to require local authority to assume responsibilities in certain cases.

34. Where any area has been developed by the Authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, then on a reference of the matter to the State Government by the Authority, on terms and conditions settled by that Government in consultation with the local authority.

Power of Authority to levy betterment charg.

35. (*1*) Where, in the opinion of the Authority, as a consequence of any development scheme having been executed by the Authority in any development area, the value of any property in that area which has been benefited by the development, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development:

Provided that no betterment charge shall be levied in respect of lands owned by Government:

Provided further that where any land belonging to Government has been granted by way of lease or licence by Government to any person, then that land and any building situate thereon shall be subject to a betterment charge under this section.

(*2*) Such betterment charge shall be an amount—

(*i*) in respect of any property situate in the township or colony, if any, developed or in other area developed or redeveloped, equal to one-third of the amount, and

(*ii*) in respect of property situated outside such township, colony or other area, as aforesaid, not exceeding one-third of the amount,

by which the value of the property on the completion of the execution of the development scheme, estimated as if the property were clear of buildings, exceeds the value of the property prior to such execution, estimated in like manner.

Assessment of betterment charge by Authority.

36. (*1*) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in that behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Authority proposes to assess the amount of the betterment charge in respect of the property under section 34.

(2) The Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

(4) If the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by the Tribunal under section 37.

Settlement of betterment charge by Tribunal.

37. (1) For the determination of the matters referred to in sub-section (5) of section 15, in sub-sections (2) and (3) of section 27 and in sub-section (4) of section 36, the State Government shall appoint a Tribunal consisting of a Civil Judicial Officer not below the rank of Civil Judge.

(2) The Tribunal shall, subject to any rules made in that behalf follow such procedure as it may think fit.

(3) The Tribunal shall, for the purpose of determining any matter referred to them have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) administering to any party to the proceeding such interrogatories as may, in the opinion of the Tribunal, be necessary;

(d) such other matters as may be prescribed by rules made in that behalf.

(4) The Tribunal shall be deemed to be a civil court within the meaning of section 480 of the Code of Criminal Procedure, 1898, and any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(5) The Civil Judicial Officer appointed as Tribunal shall be paid such remuneration as the State Government may by general or special order determine.

(6) The expenses of the Tribunal, including the remuneration payable to the Civil Judicial Officer appointed as such and to its saff, shall be paid out of the fund of the Authority.

(7) The decision of the Tribunal shall be final and shall not be questioned in any court.

Payment of betterment charge.

38. (*1*) The betterment charge levied under this Act shall be payable in such number of instalments, and each instalment shall be payable at such time and in such manner, as may be fixed by bye-laws made in that behalf.

(*2*) Any arrear of betterment charge shall be recoverable as an arrear of land revenue, and no suit shall lie in the civil court for recovery of such arrear.

Additional stamp duty on certain transfers of property.

39. (*1*) The duty imposed by the Indian Stamp Act, 1899, on any deed of transfer of immovable property shall, in the case of an immovable property situated within a development area, be increased by two per cent. on the amount or value of the consideration with reference to which the duty is calculated under the said Act:

Provided that the State Government may, by notification in the Gazette, enhance, the aforementioned percentage of the increase in stamp duty up to five.

(*2*) All collections resulting from the said increase shall, after deduction of incidental expenses, if any, be allocated and paid by the State Government, in its discretion, either to the Development Authority alone or to the Development Authority, the Uttar Pradesh Avas Evam Vikas Parishad and the Nagar Mahapalika or the Municipal Board, as the case may be, in such proportion as may from time to time be determined, in such manner and in accordance with such principles as the State Government may by notification in the Gazette specify.

(*3*) For purposes of this section, section 27 of the Indian Stamp Act, 1899, shall be read as if it specifically required the particulars referred to therein to be separately set forth in respect of property within the development area and property situated outside such area.

(*4*) For the purposes of this section, section 64 of the Indian Stamp Act, 1899, shall be so read and construed as if it referred to the Development Authority as well as to the State Government.

(*5*) The provisions of clause (*g*) of sub-section (*2*) of section 172 and section 191 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and of clause (*xiii-B*) of section 128 and section 128-A of the U.P. Municipalities Act, 1916 and section 62 of the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965 shall, to the extent of any repugnancy with the provisions of this section, cease to have effect, and the provisions of this section shall prevail.

(*6*) The provisions of sections 6, 8 and 24 of the United Provinces General Clauses Act, 1904, shall apply in relation to such cesser as they apply in relation to repeal and re-enactment.

Mode of recovery of moneys due to Authority.

40. Any money certified by the Authority as due to it on account of fees or charges, or from the disposal of lands, buildings or other properties, movable or immovable, or by way of rents and profits may, if the recovery thereof is not expressly provided for in any other provision of this Act, be recovered by the Authority as arrears of land revenue, and no suit shall lie in the civil court for recovery of such money.

Control by State Government.

41. (*1*) The Authority shall carry out such directions as may be issued to it from time to time by the State Government for the efficient administration of this Act.

(*2*) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act any dispute arises between the Authority and the State Government the decision of the State Government on such dispute shall be final.

(*3*) The State Government may, at any time, either on its own motion or on application made to it in this behalf, call for the records of any case disposed of or order passed by the Authority for the purpose of satisfying itself as to the legality or propriety of any order passed or direction issued and may pass such order or issue such direction in relation thereto as it may think fit:

Provided that the State Government shall not pass an order prejudicial to any person without affording such person a reasonable opportunity of being heard.

Returns and inspections.

42. (*1*) The Authority shall furnish to the State Government such reports, returns and other information as that Government may from time to time require.

(*2*) Without prejudice to the provisions of sub-section (*1*), the State Government or any officer authorised by the State Government in that behalf, may call for reports, returns and other information from the Authority or the local authority concerned in regard to the implementation of the master plan.

(*3*) Any person authorised by the State Government or the officer referred to in sub-section (*2*) may enter into or upon any land with or without assistants or workmen for ascertaining whether the provisions of the master plan are being or have been implemented, or whether the development is being or has been carried out in accordance with such plan.

(*4*) No such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building.

Service of notices, etc.

43. (*1*) All notices, orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall save as otherwise provided in this Act or such rule or regulation be deemed to be duly served—

(*a*) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either—

(*i*) sent by registered post, or

(*ii*) delivered at the registered office or at the principal office or place of business of the company;

(*b*) where the person to be served is a firm, if the document is addressed to the firm at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(*i*) sent by registered post, or

(*ii*) delivered at the said place of business;

(*c*) where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other chief officer of that body, corporation or society at its principal office, and is either—

(*i*) sent by registered post, or

(*ii*) delivered at that office;

(*d*) in any other case, if the document is addressed to the person to be served and—

(*i*) is given or tendered to him, or

(*ii*) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business, if within the development area or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(*iii*) is sent by registered post to that person.

(*2*) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

(*a*) if the document so addressed is sent or delivered in accordance with clause (*d*) of sub-section (*1*); or

(*b*) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(*3*) Where a document is served on a firm in accordance with clause (*b*) of sub-section (*1*), the document shall be deemed to be served on each partner of that firm.

(*4*) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(*5*) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family be deemed to be service upon the minor.

(*6*) A servant is not a member of the family within the meaning of this section.

Public notice how to be made known.

44. Every public notice given under this Act shall be in writing over the signature of the secretary to the Authority and shall be widely made known in the locality to be affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a newspaper having circulation in the locality or by any two or more of these means, and by any other means that the secretary may think fit.

Notices, etc., to fix reasonable time.

45. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of orders and documents of Authority.

46. All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in that behalf.

Members and officers to be public servants.

47. Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Jurisdiction of courts.

48. No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

Sanction of prosecution.

49. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Vice-Chairman of the Authority or any officer authorised by him in that behalf.

Protection of action taken in good faith.

50. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

Power to delegate.

51. (*1*) The State Government may by general or special order, direct that any power exercisable by it under this Act except the power to make rules, may also be exercised by such officer in such cases and subject to such conditions, if any, as may, be specified therein.

(*2*) The Authority may, by general or special order, direct that any power exercisable by it under this Act except the power to make regulations or bye-laws, may also be exercised by such officer or local authority, in such cases and subject to such conditions, if any, as may be specified therein.

(*3*) The Vice-Chairman of the Authority may, by general or special order, direct that any power exercisable by him under this Act may also be exercised by such other officer of the Authority in such cases and subject to such conditions, if any, as may be specified therein.

Savings.

52. Nothing in this Act shall apply to—

(*a*) the carrying out of works for the maintenance, improvement or other alterations of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(*b*) the carrying out by any local authority or by any department of Government of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(*c*) the operational construction (including maintenance, development and new construction) by or on behalf of a department of the Central Government;

(*d*) the erection of a building, not being a dwelling house, if such building is required for the purposes subservient to agriculture;

(*e*) the excavations (including wells) made in the ordinary course of agricultural operations; and

(*f*) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

Exemption.

53. Notwithstanding anything contained in this Act, the State Government may by notification in the Gazette exempt, subject to such conditions and restrictions, if any, as may be specified in such notification any land or building or class of lands or buildings from all or any of the provisions of this Act or rules or regulations made thereunder.

Plans to stand modified in certain cases.

54. (*1*) Where any land situated in a development area is required by the master plan or a zonal development plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of coming into operation of the plan under section 12 or where such land has been so required or designated by any amendment of such plan, from the date of coming into operation of such amendment, under sub-section (*4*) of section 13, the land is not compulsorily acquired the owner of the land may serve on the State Government a notice requiring his interest in the land to be so acquired.

(*2*) If the State Government fails to acquire such land within a period of six months from the date of receipt of the notice, the master plan or, as the case may be, the zonal development plan shall have effect, after the expiration of the said six months, as if that land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.

Power to make rules.

55. (*1*) The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the fee to be paid on an application for permission under sub-section (*1*) of section 15 and the factors and circumstances to be taken into consideration in determining such fee;

(*b*) the procedure to be followed by the Tribunal in the determination of betterment charge, and the powers that it shall have for that purpose;

(c) any other matter which has to be, or may be, prescribed by rules.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than thirty days, extending in its one session or more than one successive session, and shall, unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may, during the said period, agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

Power to make regulations.

56. (1) An Authority may, with the previous approval of the State Government, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Authority.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum thereat;

(b) the powers and duties of the Secretary and Chief Accounts Officer of the Authority;

(c) the salaries, allowances and conditions of service of the Secretary, Chief Accounts Officer and other officers and employees;

(d) the procedure for carrying out the functions of the Authority under Chapters III and IV;

(e) the form of register of application for permission and the particulars to be contained in such register;

(f) the management of the properties of the Authority.

(3) Until an Authority is established for an area under this Act any regulation which may be made under sub-section (1) may be made by the State Government, and any regulation so made may be altered or rescinded by the Authority concerned in exercise of its powers under sub-section (1).

Power to make bye-laws.

57. The Authority may, with the previous approval of the State Government, make bye-laws consistent with this Act and the rules made thereunder, for carrying out the purposes of this Act in respect of any matter affecting the general public, and without prejudice to the generality of this power, such bye-laws may provide for—

(a) the form in which any application for permission under sub-section (1) of section 15 shall be made and the particulars to be furnished in such application;

(*b*) the terms and conditions referred to in section 16, subject to which the user of lands and buildings in contravention of plans may be continued;

(c) the time and manner of payment of betterment charge under section 38.

Dissolution of Authority.

58. (*1*) Where the State Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the State Government unnecessary, that Government may by notification in the Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly.

(*2*) From the said date—

(*a*) all properties, funds and dues which are vested in, or realisable by, the Authority shall vest in, or be realisable by, the State Government;

(*b*) all nazul lands placed at the disposal of the Authority shall revert to the State Government;

(c) all liabilities which are enforceable against the Authority shall be enforceable against the State Government; and

(*d*) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (*a*) the functions of the Authority shall be discharged by the State Government.

Repeal, etc., and savings.

59. (*1*) (*a*) The operation of clause (c) of section 5, sections 54, 55 and 56, clause (xxxiii) of section 114, sub-section (*3*) of section 117, clause (c) of sub-section (*1*) of section 119, section 191, sections 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329 and 333, clauses (*a*) and (*b*) of sub-section (*1*) of section 334, sections 335, 336, Chapter XIV of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, sections 178, 179, 180, 180-A, 181, 182, 183, 184, 185, 186, 203, 204, 205, 206, 207, 208, 209, 210 and 222 of the United Provinces Municipalities Act, 1916 (or the said sections as extended under section 338 thereof or under section 38 of the United Provinces Town Areas Act, 1914), or as the case may be, of sections 162 to 171 of the Uttar Pradesh Kshettra Samitis and Zila Parishads Adhiniyam, 1961 and of the Uttar Pradesh (Regulation of Building Operations) Act, 1958 and the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965, (except in relation to such housing or improvement schemes the execution of which had commenced before June 12, 1973, as may be specified by the State Government by notification in this behalf in the Gazette hereafter in this section referred as "continuing Avas Parishad schemes") shall in respect of a development area remain suspended, and sub-section (*3*) of section 139 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 shall have effect as if the requirement as to constitution of a Development Fund were suspended with effect from the date of constitution of the Authority for that area and until the dissolution of such Authority, and the provisions of section 6 of the United Provinces General Clauses Act

1904 shall apply in relation to such suspension as if the suspension amounted to repeal of the said enactments by this Act, and in particular, all proceedings relating to acquisition of land and interest in land for improvement schemes under the said enactments pending immediately before such suspension before any court, tribunal or authority may be continued and concluded in accordance with the provisions of the said enactments (which shall *mutatis mutandis* apply) as if those provisions were not suspended.

(*b*) The operation of the provisions suspended by virtue of clause (*a*) shall revive upon the dissolution of the Authority under section 58, and the provisions of section 6 of the United Provinces General Clauses Act, 1904 shall apply in relation to the cesser of application of the corresponding provisions of this Act as if such cesser amounted to a repeal of these provisions of this Act by an Uttar Pradesh Act.

(*2*) Where any area for which an Improvement Trust constituted under the United Provinces Town Improvement Act, 1919 is in existence is declared to be a development area under section 3, the said Act as well as the Uttar Pradesh Local Bodies (Appointment of Administrator) Act, 1961, if applicable, shall, in relation to such area, stand repealed as from the date of the constitution of the Development Authority for that area, and the Improvement Trust shall as from that date stand dissolved.

(*3*) On and from the date of the constitution of a Development Authority in relation to a development area which includes the whole of a city as defined in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, every officer and other employee [not being a member of any of the services constituted under the Uttar Pradesh Palika (Centralised) Services Rules, 1966, hereinafter in this section referred to as the centralised services] serving under the Nagar Mahapalika of that city exclusively in connection with its activities under Chapter XIX of the said Adhiniyam immediately before the date of the constitution of the Development Authority, shall on and from such date be transferred to and become an officer and other employee of the Development Authority with such designations as the Authority may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority:

Provided that any service rendered under the Nagar Mahapalika by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under the Authority:

Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper, and every such officer or other employee shall discharge those functions accordingly.

(*4*) On and from the date of the constitution of a Development Authority in relation to a development area which includes the whole of a city as defined in the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, every member of centralised service serving under the Nagar Mahapalika of that

city exclusively in connection with its activities under Chapter XIV of the said Adhiniyam immediately before the date of constitution of the Development Authority, shall on and from such date be transferred to the Development Authority with such designations as the State Government may determine and shall in all the respects continue to be member of such centralised service and be subject to the same terms and conditions of service (including the condition of transferability) as he would have held the same if his services had not been so transferred to the Authority.

(5) Every officer and other employee serving under an Improvement Trust referred to in sub-section (2) immediately before the date of the constitution of the Development Authority shall, on and from such date, be transferred to and become an officer or other employee of the Development Authority with such designations as the Authority may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority:

Provided that any service rendered under the Trust by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under the Authority:

Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper; and every such officer or other employee shall discharge those functions accordingly.

(6) Notwithstanding the provisions of sub-sections (1) and (2),—

(a) any thing done or any action taken (including any notification issued or order or scheme made or permission granted) under any of the enactments referred to in sub-sections (1) and (2) shall, so far as it is not inconsistent with the provisions of this Act continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by any thing done or any action taken under the provisions of this Act;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for any local authority constituted under any enactment referred to in sub-sections (1) and (2) in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Development Authority concerned;

(c) all properties, movable and immovable, vested in an Improvement Trust referred to in sub-section (2), shall vest in the Development Authority concerned, and all properties movable and immovable, vested in any other local authority referred to in sub-section (1) in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall vest in the Development Authority concerned;

(*d*) all rents, fees and other sums of money due to an Improvement Trust referred to in sub-section (*2*) or in relation exclusively to the performance of functions assigned to the Development Authority by this Act shall be deemed to be due to the Development Authority concerned;

(*e*) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against the local authority referred to in sub-section (*1*) or sub-section (*2*) in relation to the performance of functions assigned to the Development Authority by this Act may be continued or instituted by, for or against the Development Authority.

Explanation.—For the purposes of this sub-section, the Development Fund referred to in sub-section (*3*) of section 139 of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, and all properties created out of that fund, and all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Mahapalika in relation to such properties or in relation to the functions specified in Chapter XIV of the said Adhiniyam, shall be deemed to relate to the performance of functions assigned to the Development Authority by this Act and clauses (*a*), (*b*), (c), (*d*) and (*e*) shall apply accordingly.

(*7*) If any dispute arises between any Local Authority or a Development Authority whether for purposes of clauses (*b*), (c) and (*d*) of sub-section (*6*) any debt, obligation or liability was incurred or any contract was entered into or anything was engaged to be done by, with or for any local authority, or any property vested in any local authority, or any rent, fee or other sum was due to any local authority, in relation exclusively to the performance of functions assigned by this Act to the Development Authority it shall be referred to the State Government whose decision shall be final and shall not be questioned in any court.

(*8*) If any question arises whether for the purpose of sub-section (*3*) any officer or other employee of the Nagar Mahapalika concerned was immediately before the date of constitution of the Development Authority employed exclusively in connection with the performance of functions under Chapter XIV of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959, in the area for which the Development Authority is constituted it shall be referred to the State Government, whose decision shall be final and shall not be questioned in any court.

(*9*) Nothing in sub-sections (*3*) and (*5*) shall apply to an officer or other employee of a Nagar Mahapalika or an Improvement Trust, as the case may be, who within one month from the date of the constitution of the Development Authority concerned intimates the Mahapalika or Trust of his option not to become an employee of the Development Authority, and on receipt of such intimation by that body, his employment thereunder shall stand immediately determined, and his post under that body shall stand abolished, and he shall be entitled to receive from that body compensation—

(*a*) if he was employed immediately before the date of the constitution of the Development Authority in a permanent capacity, equivalent to three month's salary;

(*b*) if he was employed immediately before the date of the constitution of the Development Authority in a temporary capacity, equivalent to one month's salary.

Explanation.—In this sub-section the expression "salary" includes Dearness Allowance, Special Pay or any other, like periodical allowance or pay.

(*10*) Notwithstanding anything contained in the U.P. Industrial Disputes Act, 1947 or in any other law for the time being in force, the transfer of services of any officer or the employee to the Development Authority under sub-section (*3*) or sub-section (*5*) shall not entitle him to any compensation under that Act or such other law, and no such claim shall be entertained by any court, tribunal or authority.

(*11*) Notwithstanding anything contained in sub-sections (*3*) and (*5*) no appointment made or promotion, increment in salary, pension, allowance or any other benefit granted to any pension after the commencement of this Act and before the date of constitution of the Development Authority which in the opinion of the Development Authority would not ordinarily have been made or granted or would not ordinarily have been admissible under the terms and conditions of service in force prior to the commencement of this Act shall have effect or be payable or claimable from the Development Authority or from any Provident, Pension or other fund or from any authority administering the fund unless the State Government has, by general or special order, confirmed the appointment, promotion or increment or has directed the continued grant of the pension, allowance or other benefit, as the case may be.

(*12*) For the persons who immediately before the date of constitution of the Development Authority were trustees of any pension, provident, gratuity or other like fund constituted for the officers and other employees referred to in sub-section (*3*) or sub-section (*5*), other than trustees nominated by or under any law, there shall be substituted as trustees such persons as the State Government may by general or special order specify.

(*13*) For the purposes of clauses (*b*), (*c*), (*d*) and (*e*) of sub-section (*6*) all the functions of a Nagar Mahapalika under Chapter XIV of the Uttar Pradesh Nagar Mahapalika Adhiniyam, 1959 and all the functions of the Uttar Pradesh Avas Evam Vikas Parishad under the Uttar Pradesh Avas Evam Vikas Parishad Adhiniyam, 1965, other than those related to any continuing Avas Parishad schemes shall be deemed to be functions assigned to the Development Authority by this Act.

Repeal and savings.

60. (*1*) The Uttar Pradesh Urban Planning and Development Ordinance, 1973, is hereby repealed.

U.P. Ordinance 7 of 1973.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 12th day of June, 1973.

V. V. GIRI,
President.

K. K. SUNDARAM,
Secy to the Govt. of India.

Reasons for the enactment

The Governor of Uttar Pradesh promulgated on June 12, 1973, the Uttar Pradesh Urban Planning and Development Ordinance, 1973, which reproduced the provisions of the Uttar Pradesh Urban Planning and Development Bill, 1973, as passed by the U. P. Legislative Council. The reasons for this enactment are given below.

2. In the developing areas of the State of Uttar Pradesh the problems of town planning and urban development need to be tackled resolutely. The existing local bodies and other authorities in spite of their best efforts have not been able to cope with these problems to the desired extent. In order to bring about improvement in this situation, the State Government considered it advisable that in such developing areas, Development Authorities patterned on the Delhi Development Authority be established. As the State Government was of the view that the urban development and planning work in the State had already been delayed it was felt necessary to provide for early establishment of such Authorities.

3. The present measure seeks to replace the aforesaid Ordinance by a President's Act.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1973 (33 of 1973) has been consulted before the enactment of this measure as a President's Act.

A. N. KIDWAI,
Secy. to the Govt. of India,
Ministry of Works and Housing.

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